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March 1, 2010

Construction-Operations
Readiness Division
Regulatory Office
File Number: MVS-2009-774

NOTICE OF VIOLATION

ISSUED TO: Mr. Darriel Coleman
Rotary Drilling Supply, Inc.
P.O. Box 302
1150 S. Truman Boulevard
Crystal City, Missouri 63028

RCRA



LOCATION OF WORK: The work is located at the address listed above in the City of Crystal City, adjacent to Platin Creek, in Section 7, Township 40 North, Range 6 East, Jefferson County, Missouri. Platin Creek is a tributary to the Mississippi River.

CHARACTER OF WORK: Discharge of fill material into "waters of the United States," through filling and dumping activities associated with the development of a 13-Acre Commercial Lot. Although most of the site is filled, a review of the resource maps and aerial photography indicates that the area did contain a stream, forested wetland and lake/wetland habitat. All of these areas are waters of the United States. It appears that approximately .6 to 11 acres were filled as part of the ongoing dumping/filling activities.

APPARENT VIOLATION OF: Sections 301 [33 U.S.C. 1311] and 404 [33 U.S.C. 1344] of the Clean Water Act (CWA). Section 404 of the Clean Water Act assigns responsibility to the Secretary of the Army to administer a permit program to regulate the placement of fill material into "waters of the United States, including wetlands." The work you have performed, or have caused to be performed, is in "waters of the United States," and as such, is subject to Department of the Army authority. My Regulatory Branch received a complaint in regards to this violation on November 4, 2009 and a permit application from Mr. Darriel Coleman on November 6, 2009. Upon review of aerial photography, it appeared that most of the site was filled prior to November 1, 2009. We have no record of a Department of the Army permit being requested or issued for this activity prior to the November 2009 submittals. You are directed to do no further work at this site until the enforcement action is resolved. According to a site

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visit between you and Mr. Robert Gramke on January 12, 2010, you began filling the site following the "Flood of 1993". According to your verbal statement, the fill was composed of sandbags left over from the flood clean-up and that you had a permit for this fill. Since 1993, you periodically accepted local fill or purchased material to fill the site. According to your verbal statement, the most recent fill material placed on the site, which arrived in the past two years, came from Ameren UE via a local trucking company (Kline-Smith Trucking). Although not confirmed, it appears that the material delivered from Ameren was composed of Fly Ash and Calcium Sulfate. This notice is intended to clearly state that the fill activities that have occurred on your property did require a Section 404 Permit and that you are currently in violation of Section 404 of the Clean Water Act. If further work is performed after receipt of this notice, we may seek immediate legal action to halt such activity. You are advised that the unauthorized work, which you have performed, may subject you to civil and/or criminal prosecution, including restoration of the area.

In accordance with a Memorandum of Agreement between the Department of the Army, and the Environmental Protection Agency (EPA), concerning federal enforcement of Section 404 of the Clean Water Act, a copy of this notification is being sent to the EPA for review and coordination. Because of the nature of this activity, the EPA has been determined to be the lead enforcement agency at this time. You are to contact the EPA within 15 days of receipt of this letter to acknowledge receipt and to provide any additional information on this matter. Any defense or comments on your behalf to explain why you failed to obtain a Department of the Army permit clearance prior to conducting the work should be submitted to the attention of Mr. Raju Kakarlapudi, EPA, whose address is below and who can be reached at 913-551-7561. A copy of your correspondence to the EPA should be provided to the attention of Mr. Danny McClendon, Regulatory Branch Chief, U.S. Army Corps of Engineer, St. Louis District, 1222 Spruce Street, St. Louis, Missouri, 63103-2833.

Contractors and other parties who have assisted in this activity are co-liable under the law for any restoration or remediation at these sites. Therefore, you must supply the names of any contractors, subcontractors, or partners that assisted in this activity.